

Application Number 	Application/Control No. 10/046,830	Applicant(s)/Patent under Reexamination SAITO ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : May 22, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	13-Jul-06	APPL. S. N:	10046830
To Examiner:	PHILIPPE, GIMS S.	Art Unit	2621
From	Jefferson, Henry PARALEGAL SPCEPECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date:



P/16-301 (DIV)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Katsuyuki Saito, et al.

Serial No.: 10/046,830

Filed: January 17, 2002

For: ENDOSCOPIC IMAGING SYSTEM MAKING IT POSSIBLE TO DETACHABLY
ATTACH EXPANSION UNIT HAVING EXTERNAL EXPANSION FACILITY AND
ADD EXPANSION FACILITY FOR IMPROVING CAPABILITY OF SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION (37 CFR §1.321(b))**

Sir:

Interest of Person Making This Disclaimer

I, Max Moskowitz, of Ostrolenk, Faber, Gerb & Soffen, LLP, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, represent that I am a representative authorized to sign on behalf of the assignee identified below owning all of the interest in this application.

The required fee accompanies this disclaimer (\$130.00 - large entity).

Identity and Title of Disclaimant

The assignee is:

Name of assignee Olympus Optical Co., Ltd.

Address of assignee 43-2, Hatagaya 2-chome, Shibuya-ku
Tokyo, Japan

Title of disclaimant authorized to sign on behalf of assignee: Attorney of Record

U.S. patent application Serial No. 10/047,025 and U.S. patent application Serial No. 10/036,408 are both divisional applications of U.S. patent application serial no. 09/120,559,

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now U.S. Patent no. 6,538,687 issued on March 25, 2003, which application's assignment was recorded on July 22, 1998 at Reel 9351, Frame 0738. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee and has not been changed in the divisional applications.

Disclaimer

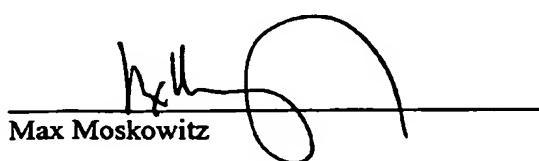
Max Moskowitz hereby disclaims the terminal part of any patent granted on the above-identified present application which would expire beyond the expiration date of the full statutory term of any patent granted on United States Serial Nos. 10/047,025 and 10/036,408; and

agrees that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on United States Serial Nos. 10/047,025 and 10/036,408, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and

does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of any patent granted on United States Serial Nos. 10/047,025 and 10/036,408 in the event that said issued patent later expires for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: May 18, 2006



Max Moskowitz

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